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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,610	01/10/2002	Robert Aarts	042933/305194	5419
826	7590	07/03/2006	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			JEAN GILLES, JUDE	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/041,610		AARTS ET AL.	
	Examiner		Art Unit	
	Jude J. Jean-Gilles		2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This Action is in regards to the Reply received on 04/13/2006.

Response to Amendment

1. This action is responsive to the application filed on 04/13/2006. Claims 1-20 currently stand rejected. Applicants have amended claims 1, 4, 7 and 11. Applicants have added new claims 21-26. Claims 1-26 represent a method and apparatus for "accessing functionalities in Hypermedia."

Response to Arguments

2. Applicant's arguments with respect to claims 1, 7, 11, 19, 20, and 21-26 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below.

The dependent claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

Double Patenting

3. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefore..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to

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identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. **The provisional double** patenting rejection because of, U.S. Patent Application No. 10/024,717 that was abandoned as of April 18, 2005, **is now moot**.

Claim Rejections - 35 USC # 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-8, 10-21, and 23-26** are rejected under 35 U.S.C. 103(a) as being unpatentable by Omoigui US Pub No. 2003/0126136 A1 issued 007/03/2003 filed 06/24/2002 Provisional No. 60/300,385 filed 06/22/2001 (hereinafter \$136), in view of Fascenda US Patent No. 6,569,604 B1 issued 05/06/2003 filed 03/10/2000 (hereinafter '604).

In regard to independent **claim 1**, "*A method of accessing functionalities in hypermedia to be parsed and rendered by a user agent.. . the method comprising: parsing the hypermedia collating data corresponding to those elements in the*

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hypermedia that support said predetermined attribute, and rendering a display of the corresponding to the collated data corresponding to those elements in the hypermedia", as taught by '136 at page 10, paragraph (0223) (i.e.... Hypertext Transfer Protocol (HTTP) is an application-level protocol for distributed, collaborative, hypermedia information systems ...), also as taught by '136 at page 10, paragraph [02423] (i.e.. . . Natural Language Parser. Parsing ... natural language queries and can translate them to structured semantic information queries ...), also as taught by '136 at page 11, paragraph (0249) (i.e.... Natural Language Parser. Parsing ... natural language queries and can translate them to structured semantic information queries ...), also as taught by ,136 at page 13, paragraphs (0276)-(0277) (i.e.. .. Semantic Results Markup Language (SRML)... render the same SRML in completely different ways, based on the current "skin" that has been selected or applied by the user ...The "skin" then converts the SRML to a presentation-ready format such as XHTML... SRML is a meta-schema, meaning that it is a container format that can include data for different information object types (e.g., documents, email, people, events, etc.) .. .)

'136 does not explicitly teach, "the hypermedia including at least one element that have been assigned a keyboard shortcut using a predetermined attribute whereby the dynamically assignable keyboard shortcut for the user agent actuates a predetermined functionality associated with the element" however, as taught by '604 at col. 7, lines 10-15 (i.e.. .. the hypermedia system...) also as taught by '604 at col.11, lines 40-50 (i.e.. such as keyboard shortcuts (e.g., press "W" for weather service requests); branching action definitions 404c, allowing the user to branch from the current template

and display page to a next template and display page linked with the current template...).Note that 136 further teaches” ...On the other hand, action portion 404 includes definitions (such as textual, symbolic, and/or graphical descriptors) specifying a set of actions a user can initiate with respect to the associated display page. For instance, action portion 404 can include: menu action definitions 404a, such as menu pull-down actions and scroll-wheel shortcuts; keyboard action definitions 404b, such as keyboard shortcuts (e.g., press "W" for weather service requests); branching action definitions 404c, allowing the user to branch from the current template and display page to a next template and display page linked with the current template; and external references 404d, such as URLs. Such actions are available to the user at the display page associated with template 314....”

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified '604 into '136 to provide a way to include the feature, wherein the hypermedia including at least one element that has a predetermined attribute whereby a dynamically assignable keyboard shortcut for the user agent actuates a predetermined functionality associated with the element. One of ordinary skill in the art would have been motivated to perform such a modification to optimized the advantage of the hypermedia system, wherein users can access a web site using general-purpose computers, wireless hand held computing devices, Internet capable wireless phones (e.g., a Wireless Application Protocol (WAP) Internet enabled telephone), and the like, as taught in '604 col. 7, lines 5-25 (i.e.... .useful in data network ... accessing information on the Internet ... The web is a distributed,

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hypermedia system. ..).

In regard to dependent **claim 2**, "*wherein the predetermined attribute comprises accesskey operability for assigning a particular control key for the user agent to the element*", also as taught by '136 at page 42, paragraph (0788) (i.e....The framework requires certain icons to be used (also for consistency). and for these to have regular names or element types, which will allow the Results Browser to find and modify them as needed. In addition, the Results Browser can create and raise events to indicate the state changes. The template-generated script can respond to these events, and display the associated information as desired...).

In regard to dependent **claim 3**, "*rendering the hypermedia, and Operating a control of the user agent to render the collated data instead of the hypermedia*", as taught by '136 at page 13, paragraphs (0276J)-(0277J (i.e.... Semantic Results Markup Language (SRML)... render the same SRML in completely different ways, based on the current "skin" that has been selected or applied by the user . . .The "skin" then converts the SRML to a presentation-ready format such as XHTML... SRML is a meta-schema, meaning that it is a container format that can include data for different information object types (e.g., documents, email, people, events, etc.)...).

In regard to dependent claim 4, "*making a selection from the collated data whereby to select the functionality* ", as taught by '604 at col. 8, lines 24-30 (i.e.. .. user (also referred to as subscriber) of client device 108, information received via communications system 100. Display 210 can also display lists and/or menus from which a subscriber can make selections and perform various functions).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified '604 into '136 to provide a way to include the feature, wherein making a selection from the collated data whereby to select the functionality in the hypermedia system. One of ordinary skill in the art would have been motivated to perform such a modification to optimized the advantage Of the hypermedia system, wherein users can access a web site using general-purpose computers, wireless hand held computing devices, Internet capable wireless phones (e.g., a Wireless Application Protocol (WAP) Internet enabled telephone), and the like, as taught in '604 col. 7, lines 5-25 (i.e.. . . useful in data network ... accessing information on the Internet ... The web is a distributed, hypermedia system...).

In regard to dependent **claim 5**, *"parsing and collating is performed by a browser"*, as taught by '136 at page 10, paragraph 10223) (i.e.... Hypertext Transfer Protocol (HTTP) is an application-level protocol for distributed, collaborative, hypermedia information systems ...), also as taught by '136 at page 34, paragraph (0659) (i.e.... The Natural Language Parser (NLP) preferably converts natural language text to either an API call that the SQP understands or to raw SQL (or a similar query format) that can be processed by the database. The Natural Language Parser is passed text directly from the semantic browser ...).

In regard to dependent **claim 6**, *"wherein the hypermedia comprises an XHTML document"*, as taught by '136 at page 23, paragraphs (0426) (i.e.... The "skin" then converts the SRML to a presentation-ready format such as XHTML...).

In regard to independent **claims 7**, is directed to a browser for performing the method of claim 1 , and is similarly rejected along the same rationale.

In regard to independent **claim 20**, is directed to a browser for performing the method of claim 1 , and is similarly rejected along the same rationale.

In regard to dependent **claim 8**, is directed to a browser for performing the method of claim 6, and is similarly rejected along the same rationale.

In regard to dependent **claim 10**, is directed to a browser for performing the method of claim 2, and is similarly rejected along the same rationale.

In regard to independent **claim 11**, is directed to a device for performing the method of claim 1, and in further view of the following, and is similarly rejected along the same rationale.

"...user interface including a display device and a keyboard with a plurality of keys operable in a first mode to enter associated alphanumeric data... the processor and the display device being Operable in a first display configuration to display the hypermedia... and form an options list containing data associated with the identified elements, and the display device being operable in a second display configuration to display the options list", as taught by '604 at col. 8, lines 10-35 (i.e.... a microprocessor 208, a display 210 and a keypad 212. ... display lists and/or menus from which a subscriber can make selections and perform various functions Keypad 212 can include as few as one button, but may also include an entire alphanumeric keypad, touch pad, or can be integrated with a display, such as a touch-screen display. Client device 108 also includes a memory 214 that can store software and/or data...) also as

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taught by '604 col. 11, lines 45-50 (i.e.. branching action definitions 404c, allowing the user to branch from the current template and display page to a next template and display page linked with the current template', and external references 404d, such as URLs.. .).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified '453 into '136 to provide a way to include the feature, wherein the user interface including a display device and a keyboard with a plurality of keys operable in a first mode to enter associated alphanumeric data . . . the processor and the display device being operable in a first display configuration to display the hypermedia. . . and form an options list containing data associated with the identified elements, and the display device being operable in a second display configuration to display the options list. One of ordinary skill in the art would have been motivated to perform such a modification to optimized the advantage of the hypermedia; system, wherein users can access a web site using general-purpose computers, wireless hand held computing devices, Internet capable wireless phones (e.g., a Wireless Application Protocol (WAP) Internet enabled telephone), and the like, as taught in '604 col. 7, lines 5-25 (i.e... .useful in data network . . . accessing information on the Internet ... The web is a distributed, hypermedia system.. .).

In regard to dependent **claim 12**, is directed to a device for performing the method of claims 2-3, and is similarly rejected along the same rationale.

In regard to dependent **claims 13-15**, incorporate substantially similar subject matter as cited in claims 11 above, and is similarly rejected along the same rationale.

In regard to dependent **claim 16**, is directed to a device for performing the method of claim 1, and is similarly rejected along the same rationale.

In regard to dependent **claim 17**, is directed to a device for performing the method of claim 4, and is similarly rejected along the same rationale.

In regard to dependent **claim 18**, *"wherein numbering associated with the accesskey keyboard shortcut function is hidden in the display of hypermedia in the first display configuration"*, as taught by '604 at col. 11, lines 40-50 (i.e., . . . such as menu pull-down actions and scroll-wheel shortcuts; keyboard action definitions 404b, such as keyboard shortcuts...).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified 1604 into '136 to provide a way to include the feature, wherein numbering associated with the accesskey keyboard shortcut function is hidden in the display of hypermedia in the first display configuration. One of ordinary skill in the art would have been motivated to perform such a modification to optimized the advantage of the hypermedia system, wherein users can access a web site using general-purpose computers, wireless hand held computing devices, Internet capable wireless phones (e.g., a Wireless Application Protocol (WAP) Internet enabled telephone), and the like, as taught in '604 col. 7, lines 5-25 (i.e., . . . usefu1 in data network . . . accessing information on the Internet . . . The web is a distributed, hypermedia system...).

Regarding claim 19, claim 19 is rejected for reasons similar to the rejection of claim 7.

Regarding claim 20, claim 20 is rejected for reasons similar to the rejection of claim 1.

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Regarding claim 21, claim 21 is rejected for reasons similar to the rejection of claim 1.

Regarding claim 23, claim 23 is rejected for reasons similar to the rejection of claim 10.

Regarding claim 24, claim 24 is rejected for reasons similar to the rejection of claim 8.

Regarding claim 25, claim 25 is rejected for reasons similar to the rejection of claim 8.

Regarding claim 26, claim 26 is rejected for reasons similar to the rejection of claim 11.

6. **Claim 9 and 22** is rejected under 35 U.S.C. 103(a) as being unpatentable by Omoigui US Pub No. 2003/0126136 A1 issued 007/03/2003 filed 06/24/2002 Provisional No. 60/300,385 filed 06/22/2001 (hereinafter '\$136'), in view of Fascenda US Patent No. 6,560,604 B1 issued 05/06/2003 filed 03/10/2000 (hereinafter '604'), in further view of Schilit et al. US Patent No. 6,674,453 B1 issued 01/06/2004 filed 07/10/2000 (hereinafter '453').

In regard to dependent **claim 9**, is directed to a browser for performing the

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method of claim 1, and in further view of the following, and is similarly rejected along the same rationale.

'136 and 1604 do not explicitly teach, "a mobile device including a browser", however, as taught by '453 at col. 5, lines 5-16 (i.e.... Web Browser, referred to herein as "m-link"... display on the mobile device..).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified '453 into \$136 and \$604 to provide a way to include the feature, wherein mobile device including a browser as claimed in claim 7. One of ordinary skill in the art would have been motivated to perform such a modification to make browsing the Web more feasible for handheld devices, as taught in \$453 col. 2, lines 40-50 (i.e..... developed to make browsing the Web more feasible for handheld devices...).

Regarding claim 22, claim 22 is rejected for reasons similar to the rejection of claim 9.

Response to Arguments

7. Applicant's Request for Reconsideration filed on 04/13/2006 has been carefully considered but is not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, since they were once presented to the office in the reply of 08/25/2005, the Examiner thinks it is prudent to reiterate the same rebuttal as in the previous Examiner's response to the Applicants' main points of contention.

- A. The Omoigui reference does not explicitly teach "hypermedia including at least one element that has a predetermined attribute whereby a dynamically assignable keyboard shortcut for the user agent actuates a predetermined functionality associated with the element."
- B. Applicant contends that a person of ordinary skill in the art would not be motivated from the disclosure of Omoigui and Fasenda to add access key attributes to the elements of the SRML code in view of the purpose of the skin in Omoigui being to provide the client side with choices after the objects have been extracted by SRML code.
- C. Fasenda discloses a shortcut key, which as cited by the Examiner in column 11, lines 39-51, provides a menu pull down action with a keyboard action 404 b that could permit a keyboard shortcut for accessing a service such as the weather. This method amounts to accessing object data represented by a link automatically when the key is pressed.
- D. Applicants have added new claims 21-26 to more particularly define aspects of the present application. The new claims include no new matter and are fully supported by the specification and the drawings of the present application. Accordingly, it is believed that the new claims are in condition for allowance.

As to "Point A" it is the position of the Examiner that both Omoigui and Fasenda in detail teach the limitations of the above mentioned claims. Omoigui teaches the hypermedia including at least one element that has a predetermined attribute

whereby a dynamically assignable keyboard shortcut for the user agent actuates a predetermined functionality associated with the element." See rejection of independent claims 1, 7, and 11]. As to points B and D, it is also the position of the examiner that there is sufficient ground and motivation to combine as explained above. Providing an accesskey functionality at the server side is not necessarily contrary to the teachings of Omoigui of permitting side control of presentation as assumes by the applicant.

As to point D, the Examiner sees no novelty or any limitations not taught by the cited references on record, and as a result, claims 21-26 are rejected as specified above. The claims are not in condition for allowance.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

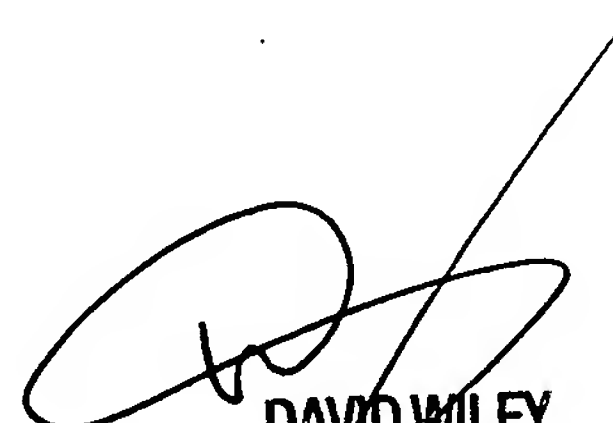
Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG 

June 19, 2006


DAVID WILEY
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2100